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**JAN 19 2010**

In re Application of  
Michael John Allen, et al.  
Application No. 10/690,809  
Filed: October 21, 2003  
Attorney Docket No. P07,0140

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: **DECISION ON PETITION**  
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This is a decision on the renewed petition under the unavoidable provisions of 37 CFR 1.137(a), filed November 3, 2009, or in the alternative a petition under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

The petitioner has not satisfied the showing requirement has been met by submission of the statements of facts establishing that the delay in filing the reply was unavoidable, as well as inadvertent.

This is also a decision on the petition under 37 CFR 1.137(b).

The application became abandoned for failure to timely manner to the non-final Office action mailed October 17, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned January 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

As authorized, the \$1620 fee required by 37 CFR 1.137(b) will be charged to petitioner's Deposit Account No. 501519.

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or the status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1797 for appropriate action by the Examiner in the normal course of business on the reply received November 3, 2009.

/dab/

David Bucci  
Petitions Examiner  
Office of Petitions